

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC.,

Plaintiff,

v.

CEPHALON, INC., et al.,

Defendants.

CIVIL ACTION

No. 2:06-cv-2768

ORDER

AND NOW, this 23rd day of February, 2010, upon consideration of Defendant, Cephalon, Inc.'s, Motion to Dismiss (doc. nos. 157 & 197), Plaintiff's response in opposition, and for the reasons stated in the accompanying Memorandum, it is **ORDERED** that Defendant's Motion as to Counts III - V of Plaintiff's Second Amended Complaint is **DENIED**. Cephalon shall file an Answer to Counts I - V of Plaintiff's Second Amended Complaint on or before March 8, 2010.

BY THE COURT:

s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.